

34054

SERVICE DATE - OCTOBER 17, 2003

**SURFACE TRANSPORTATION BOARD
WASHINGTON, DC 20423**

ENVIRONMENTAL ASSESSMENT

STB DOCKET NO. AB-290 (Sub-No. 239X)

The Alabama Great Southern Railroad Company - Abandonment Exemption - In New Orleans, LA

BACKGROUND

In this proceeding, the Alabama Great Southern Railroad Company (AGS or railroad) filed a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903 to abandon a line of railroad in New Orleans, Louisiana (LA). AGS is a wholly owned subsidiary of Norfolk Southern Railway Company. The rail line proposed for abandonment is located between Milepost 1.22-NT and Milepost 2.50-NT. The total distance is approximately 1.28 miles. A map depicting the rail line in relationship to the area served is appended to this report. AGS intends to remove the rail, ties and other appurtenances.

DESCRIPTION OF THE LINE

Land use in the vicinity of the right-of-way (ROW) is approximately 55 percent industrial land, 30 percent residential, and 15 percent undeveloped. The width of the ROW varies but is generally 30 to 38 feet on each side of the main track centerline. Trains have not moved on the line in at least two years. According to AGS, it does not have fee title to the entire ROW underlying the line proposed for abandonment; therefore, a contiguous corridor for public use would not be available. However, The New Orleans Regional Transit Authority intends to use the portion of the crossing at Canal Street for the construction of the Canal Street streetcar project.

The line was originally constructed from 1903 to 1904 by the New Orleans Belt and Terminal Company, predecessor of the New Orleans Terminal Company. The New Orleans Terminal Company merged with AGS in 1993. There are no structures on the line.

ENVIRONMENTAL REVIEW

The railroad submitted environmental and historical reports that indicate that the quality of the human environment would not be affected significantly as a result of the abandonment or any post-abandonment activities. The railroad served these reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's (Board) environmental rules [49 CFR 1105.7(b)]. The Board's Section of Environmental Analysis (SEA) reviewed and investigated the record in this proceeding.

The U.S. Department of Agriculture, Natural Resources Conservation Service - State Conservationist (formerly the Soil Conservation Service) reviewed the railroad's environmental report and had no comments.

The proposed abandonment would not be expected to have adverse land use impacts. Because traffic has not moved on the subject rail line for the past 2 years, the proposed abandonment would not be expected to impact the development, use and transportation of energy resources or recyclable commodities, or result in the diversion of rail traffic to truck traffic that could result in impacts to air quality or the local transportation network.

The U.S. Army Corps of Engineers - New Orleans District had not responded at the time this environmental assessment was prepared. Because AGS does not intend to appreciably remove or alter the contour of the roadbed underlying the rail line, or conduct activities within waters of the United States including wetlands, a Department of the Army permit under Section 404 of the Clean Water Act (33 U.S.C. 1344) would not likely be required.

Based on an undocumented response from either the U.S. Fish and Wildlife Service or Louisiana Department of Natural Resources, AGS stated in the environmental report that only one threatened or endangered species is known to exist in Orleans Parish. The species is the brown pelican (*Pelicanus occidentalis*). Because of the urbanized character of the lands surrounding the rail line proposed for abandonment, and AGS's intent to limit most salvaging activities to within the ROW, impacts to the brown pelican or its habitat would not be expected.

According to AGS, there are no known national or state parks, forests or wildlife sanctuaries in the vicinity of the subject rail line. The LA Department of Wildlife and Fisheries apparently informed AGS that Bayou St. John, which is located in the project area, is a natural and scenic stream. Because of the urbanized character of the lands surrounding the rail line proposed for abandonment, and AGS's intent to limit most salvaging activities to within the ROW, the proposed abandonment would not be expected to adversely affect Bayou St. John. Upon review of the railroad's coastal zone permit application, the LA Department of Natural Resources concluded that a state permit was not required and referred the matter to the Orleans Parish Coastal Management Program for review.

The U.S. Environmental Protection Agency - Region 6 reviewed the railroad's environmental report and had no comments. According to AGS, there are no known hazardous waste sites or hazardous material spill sites on the subject ROW.

The U.S. Department of Commerce's National Geodetic Survey (NGS) has identified two (2) geodetic station markers that may be affected by the proposed abandonment. Therefore, SEA recommends a condition to address this concern.

The LA Office of Cultural Development (the State Historic Preservation Offices or SHPO) has not completed its assessment of the potential impact of this project on historic resources. Therefore, SEA recommends a condition to address this concern.

CONDITIONS

We recommend that the following environmental conditions be placed on any decision granting abandonment authority:

1. The National Geodetic Survey (NGS) has identified two (2) geodetic station markers that could be affected by the proposed abandonment. Therefore, the railroad shall notify NGS 90 days prior to salvage activities in order to plan for their potential removal.
2. The railroad shall take no steps to alter the historic integrity of the right-of-way until completion of the Section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f.

CONCLUSIONS

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line would not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

PUBLIC USE

If abandonment of the rail line does take place, the ROW may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Surface Transportation Board and served on the railroad within the time specified in the Federal Register notice.

TRAILS USE

A request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the railroad, within 20 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of ROWs as trails (49 CFR 1152.29).

PUBLIC ASSISTANCE

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at 202-565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

ENVIRONMENTAL COMMENTS

If you wish to file comments regarding this environmental assessment, send an **original and two copies** to Surface Transportation Board, Case Control Unit, Washington, DC 20423, to the attention of David Navecky, who prepared this environmental assessment. **Please refer to STB Docket No. AB-290 (Sub-No. 239X) in all correspondence addressed to the Board. Questions regarding this environmental assessment should be referred to David Navecky at 202-565-1593 (naveckyd@stb.dot.gov).**

Date made available to the public: October 17, 2003

Comment due date: **October 31, 2003**

By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams
Secretary

Attachment

